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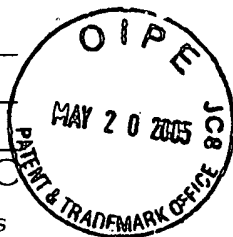
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Re: Applicants: Paul F. Herbert and Michael S. Healy  
Application No.: 10/784,474  
Filed: February 23, 2004  
Confirmation No.: 1733  
Title: PRODUCTION SCALE METHOD OF FORMING MICROPARTICLES  
Docket No.: 1733.1009-041

Sir:

Please find enclosed a Terminal Disclaimer, together with the requisite Statement under 37 C.F.R. §3.73(b), for filing in the above-referenced application.

The statutory fee in the amount of \$130.00 for filing the disclaimer is attached. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

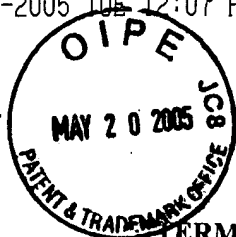
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DOCKET NO. 1733.1009-041

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER PRIOR PATENTS**

In re Application of: Paul F. Herbert and Michael S. Healy

Application No.: 10/784,474

Filed: February 23, 2004

Confirmation No.: 1733

For: PRODUCTION SCALE METHOD OF FORMING MICROPARTICLES

The owner, **Alkermes Controlled Therapeutics, Inc.** of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior **Patent Nos. 5,922,253, 6,153,129, 6,358,443 and 6,726,860.** The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 CFR 1.20(d) is enclosed.

The undersigned is empowered to act on behalf of the owner.

17 May 2005  
DateClaire M. Vasios  
SignatureClaire M. Vasios  
Typed or printed nameAlkermes Controlled Therapeutics, Inc.  
Name of Corporation

Docket No. 1733.1009-041STATEMENT UNDER 37 C.F.R. § 3.73(b)Inventor(s): Paul F. Herbert and Michael S. HealyApplication No./Patent No.: 10/784,474Filed/Issue Date: February 23, 2004For: PRODUCTION SCALE METHOD OF FORMING MICROPARTICLESAlkermes Controlled Therapeutics, Inc.

(Name of Assignee)

a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or
- B. ☐ an assignee together with [ ] of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7567, Frame 0499-502, or a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
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[ ] Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature: Claire M. VasiosName: Claire M. VasiosTitle: Vice President, Intellectual PropertyDate: 17 May 2005